

**FLATHEAD COUNTY PLANNING BOARD  
MINUTES OF THE MEETING  
DECEMBER 7, 2005**

**CALL TO ORDER** A meeting of the Flathead County Planning Board was called to order at 6:00 p.m. Board members present were Charles Lapp, Don Hines, Jeff Larsen, Gene Dziza, Kathy Robertson, Frank DeKort and Kim Fleming. Cal Scott and Tim Calaway had excused absences. Kirsten Holland, Traci Tull, and Eric Giles represented the Flathead County Planning & Zoning Office.

There were approximately 24 people in the audience.

**PUBLIC REVIEW** Hines reviewed the public hearing process for the public.

**APPROVAL OF MINUTES** Larsen made a motion, seconded by Fleming to approve the November 2, 2005 meeting minutes. The motion passed unanimously.

Robertson made a motion, seconded by Fleming, to approve the November 9, 2005 meeting minutes. The motion passed unanimously.

**GUEST SPEAKER** Diana Blend updated the Board on the progress of the Long Range Planning Task Force.

**ZONE CHANGE/  
SORG  
FZC 05-25** A Zone Change request by Kelly Sorg in the Evergreen Zoning District, from R-2 (One-Family Limited Residential) to R-5 (Two-Family Limited Residential). The property is located at 316 Harmony Road and contains 4.87 acres.

**STAFF REPORT** Kirsten Holland reviewed Staff Report FZC-05-25 for the Board.

**APPLICANT** Erica Wirtala, of Sands Surveying, represented the applicant.

**AGENCIES** None.

**PUBLIC COMMENT** None.

**STAFF REBUTTAL** None.

**APPLICANT REBUTTAL** None.

**MOTION** Robertson made a motion seconded by DeKort to adopt Staff Report FZC-05-25 as findings of fact and recommend approval to the County Commissioners.

**BOARD  
DISCUSSION**

None.

**ROLL CALL**

On a roll call vote the motion passed unanimously.

**PRELIMINARY  
PLAT/  
KESTREL  
SUBDIVISION  
FPP 05-54**

A request by Wendy Marshall for Preliminary Plat approval of Kestrel Subdivision, a five (5) lot subdivision on 6.63 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 263 East Many Lakes Drive.

**STAFF REPORT**

Kirsten Holland reviewed Staff Report FPP-05-54 for the Board.

**APPLICANT**

Nick Marshall, applicant's husband, addressed the Board regarding the homeowner's association, lot size, road grade, fire suppression, and solid waste. He stated several times this development already had unanimous approval from the Board. He brought up the differences between the original Staff Report and the revised report and clarified some issues brought up in a letter about covenants and a warranty deed.

Rick Breckenridge, of Montana Mapping, viewed the Staff Report as non-factual regarding it as an opinion. He presented information regarding well data, lot size, road grade standards, and the homeowner's association. He read data relevant to slope of the building sites, septic systems, and driveways. He asked the Board to adopt the original findings-of-fact, not those in the new report.

**AGENCIES**

None present. *Comments received were included in packets.*

**PUBLIC  
COMMENT**

Tom Tucker, 247 E. Many Lakes Dr, handed out pictures to the Board and discussed the private road and signs, road maintenance agreement, homeowner's association, and the history of the area.

Paul Waccholz, 183 Fairway Blvd, discussed the homeowner's association, the road, and the subject property history.

Jim Borowski, 250 E. Many Lakes Dr, opposed to the subdivision and doesn't think that tract is suitable for subdivision. He talked about Many Lakes, wells, and density and said he concurred with the Staff Report.

Tom Towle, 256 E. Many Lakes Dr, talked about the creation of Many Lakes Subdivision and the lot sizes.

William Zerwakh, 161 Spotted Fawn Ln, agreed with concerns previously addressed.

**STAFF  
REBUTTAL**

Staff stood behind her report and findings-of-fact. She talked about solid waste, agricultural impacts, and affordable housing.

**APPLICANT  
REBUTTAL**

Marshall spoke about homeowner's association, lot size consistency, covenants, road ownership and access, and a road user's agreement.

Breckenridge talked about the subject property, roads and signs.

Staff stated for the record the findings-of-fact had little, if anything, to do with the lot sizes. Adjacent lot sizes are mentioned in the report as a reference point.

**BOARD  
DISCUSSION**

Since a motion was not made, Hines asked Staff what the Board's options were.

Board discussed the options and addressed questions and concerns.

**MAIN  
MOTION**

Fleming made a motion, seconded by Robertson, to adopt Staff Report FPP 05-54 as findings of fact and recommend denial to the County Commissioners.

**BOARD  
DISCUSSION**

Larsen talked about roads and fire suppression and stated he would not support denial of the subdivision.

Robertson discussed steep driveways, building sites, and topography.

Lapp agreed with the conditions of the Staff Report.

Fleming talked about covenants, the Staff Report, family transfer, road & driveway conformance, and road maintenance.

Robertson discussed the comment letters received from adjoining landowners.

**MOTION**

On a roll call vote the motion failed 6-1 with Fleming in support.

**BOARD  
DISCUSSION**

Robertson said the reason she seconded the motion then voted no is so Staff's findings-of-fact would be sent over to the Commissioners for consideration.

Lapp discussed conditions, access, and roads.

The Board and Staff discussed conditioning and road grade standards.

Staff discussed conditions #1, regarding access, and #13d, regarding a road user's maintenance agreement.

Lapp talked about road issues.

**PRELIMINARY  
PLAT/HARRIS  
SUBDIVISION  
FPP 05-73**

A request by Judy Brooks Harris for Preliminary Plat approval of Harris Subdivision, a four (4) lot single-family residential subdivision on 6.52 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 315 Deer Creek Road in Somers.

**STAFF REPORT**

Eric Giles reviewed Staff Report FPP 05-73 for the Board.

**APPLICANT**

Rick Breckenridge, of Montana Mapping, represented the applicant.

Chuck Harris, applicant, talked about roads, sewer systems, and lot sizes.

Breckenridge addressed the market value for the acreage.

**AGENCIES**

None present. *Staff stated there was one comment from the Weed Department.*

**PUBLIC  
COMMENT**

None.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

None.

**MAIN MOTION**

DeKort made a motion, seconded by Dziza, to adopt Staff Report FPP 05-73 as findings of fact as amended and recommended approval to the County Commissioners.

**BOARD  
DISCUSSION**

Fleming discussed the value of land and how to come up with a fair amount.

Board and Staff discussed having a condition for parkland and computing an amount by gathering 3 comparable MLS sales within the last 6 months.

**MOTION, Condition  
# 7**

Fleming made a motion seconded by Larsen to amend condition #7 to read: *The applicant will obtain three real estate MLS comparable listing sales within the last six months for staff to compute the cash-in-lieu fee owed.*

**BOARD  
DISCUSSION**

Board discussed the new subdivision regulations and how to incorporate the parkland issues.

**ROLL CALL,  
Condition #7**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

The Board discussed hooking up to Lakeside Water and Sewer, dry lines, and the proposed septic systems.

Staff suggested wording, for the Board to use, for condition #6.

Harris, applicant, filled the Board in on his communications with Lakeside Water and Sewer in regards to costs and running lines through private land.

Breckenridge asked the Board to steer away from conditioning having dry lines put in since there is no engineered design at this stage.

The Board continued discussion.

**MOTION, Condition  
# 6**

Hines made a motion seconded by Fleming to reword condition # 6 to read: *The applicant will connect into the Lakeside Water and Sewer District Sewer systems or obtain a letter of non-service from the sewer district.*

**BOARD  
DISCUSSION**

None.

**ROLL CALL,  
Condition #6**

On a roll call vote the motion passed unanimously.

**MOTION, Condition  
# 15**

Robertson made a motion seconded by DeKort to add condition #15 to read: *The applicant will use one single multi-user well to serve the lots.*

**BOARD  
DISCUSSION**

None.

**ROLL CALL,  
Condition 15**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

Robertson talked about driveways and the possibility of paving a portion of the road.

The Board discussed having a bike path easement.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion passed unanimously.

**PRELIMINARY  
PLAT/SUBDIV.  
#172 LOT 1  
FPP 05-72**

A request by Dennis and Christine Hostetler for Preliminary Plat approval of the Resubdivision of Lot 1, Subdivision #172, a two (2) lot single-family residential subdivision on 10 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 589 Badrock Drive in Columbia Falls.

<b>STAFF REPORT</b>	Eric Giles reviewed Staff Report FPP 05-72 for the Board.
<b>APPLICANT</b>	<p><u>Rick Breckenridge</u>, of Montana Mapping, represented the applicant.</p> <p>Lapp discussed road and access issues.</p> <p><u>Dennis Hostetler</u>, applicant, spoke about the road approach, access, and bike path.</p>
<b>AGENCIES</b>	None.
<b>PUBLIC COMMENT</b>	None.
<b>STAFF REBUTTAL</b>	None.
<b>APPLICANT REBUTTAL</b>	None.
<b>MAIN MOTION</b>	Fleming made a motion, seconded by Robertson, to adopt Staff Report FPP 05-72 as findings of fact as amended and recommended approval to the County Commissioners.
<b>BOARD DISCUSSION</b>	<p>Fleming talked about parkland and cash-in-lieu. Read part of section 3.19D of the Subdivision Regulations pertaining to parkland dedication.</p> <p>Staff replied parkland dedication is not required for the creation of 1 additional lot.</p> <p>The Board discussed road and cul-de-sac issues.</p>
<b>MOTION</b> <i>Condition #18</i>	Fleming made a motion, seconded by Dziza, to add condition #18 to read: <i>The applicant will reserve a quarter circle easement at the northern end of Lot 1 with a 60 foot radius.</i>
<b>BOARD DISCUSSION</b>	The Board discussed the motion.
<b>ROLL CALL</b> <i>Condition #18</i>	On a roll call vote the motion passed unanimously.
<b>BOARD DISCUSSION</b>	Staff mentioned removing condition #2 regarding paving. Hines asked Staff to prepare a letter for the Commissioners asking them to remove the condition.
<b>MAIN MOTION</b> <b>ROLL CALL</b>	On a roll call vote the motion passed unanimously.

**PRELIMINARY  
PLAT/DEER  
MEADOWS  
FPP 05-43**

A request by Judah and Tanya Gersh for Preliminary Plat approval of Deer Meadows, a four (4) lot single-family residential subdivision on 20.47 acres. All lots in the subdivision are proposed to have individual water and septic systems. The property is located at 1823 Conn Road.

Don Hines stepped down on this proposal.

**STAFF REPORT**

Traci Tull reviewed Staff Report FPP 05-43 for the Board.

**APPLICANT**

Judah Gersh, applicant, talked about the neighborhood, the master plan, appropriate use of the property, lot size, covenants, and the changes they've made to accommodate neighbor concerns.

Andy Belski, Flathead Geomatics, talked about lots, storm water drainage, and the overall plan.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

None.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

None.

**MAIN MOTION**

Dziza made a motion, seconded by Robertson, to adopt Staff Report FPP 05-43 as findings of fact as amended and recommended approval to the County Commissioners.

**BOARD  
DISCUSSION**

The Board thought it was considerate of the applicants to address neighbors' concerns.

**MOTION  
Condition #18**

Robertson made a motion, seconded by Dziza, to eliminate condition #18.

**BOARD  
DISCUSSION**

None.

**ROLL CALL  
Condition #18**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
ROLL CALL**

On a roll call vote the motion passed unanimously.

**PRELIMINARY  
PLAT/  
SWEETGRASS  
RANCH  
FPP 05-59**

A request by Montana Sweetgrass Farms, LLC for Preliminary Plat approval of Sweetgrass Ranch, a sixty-four (64) lot single-family residential subdivision on 124.77 acres. All lots in the subdivision are proposed to have public water and individual septic systems. The property is located at 300 MT Highway 206.

**STAFF REPORT**

Traci Tull reviewed Staff Report FPP 05-59 for the Board.

**APPLICANT**

Eric Brandon, applicant, spoke about the property history and the old-growth forest area. Discussed the vision of the overall development plan.

John Thomas, A2Z Engineering, talked about the changes made since the proposal was first submitted and the things they have changed to address concerns.

Kim Wunderlich, Glacier Surveying, said the developers want to protect the old-growth forest area.

Bruce Lutz, Sitescape & Associates, talked about landscaping, trail design, roads, and architecture.

Michael Chesser, applicant, agreed with what Mr. Brandon said.

**AGENCIES**

None.

**PUBLIC  
COMMENT**

Will Richards, represented landowner at 205 Hwy. 206, concerned with traffic, wildlife, water table, soil, and the character of the Creston area.

Ken Elliott, 255 Lake Blaine Rd., wrote a letter in regards to the project. Asked the Board to impose specific conditions if approved. Talked about the old-growth forest area, overall preservation, irrigation ditch, density, and the current drought. Mentioned the letter from Environmental Health.

Staff mentioned there were a few letters that weren't sent out in packets, she will address those after public hearing.

Ivan Lorentzen, 450 Small Lane, talked about the density, wildlife, and the character of the rural area. Thinks it's a nice development but in the wrong location.

Jonathan James, 181 Sampson Lane, supported the people who previously spoke. Concerned with density and access onto Hwy. 206.

Kenneth Hougan, lives S.E. of property on Hwy. 206, talked about lot size, soil composition, and drought.



Marla Elliott, 255 Lake Blaine Rd., concerned with density, thinks it would be more appropriate closer to the city.

Leonard Bolles, 265 Lake Blaine Rd., talked about density issues and the water table.

**STAFF  
REBUTTAL**

Staff read agency comments from Creston Fire Dept. and Environmental Health for the record.

**APPLICANT  
REBUTTAL**

John Thomas, discussed the aquifer, groundwater, density, lot size, open space, soil composition, and floodplain.

**MAIN MOTION #1**

Larsen made a motion seconded by Lapp to adopt Staff Report FPP 05-59 as findings of fact as amended and recommended approval to the County Commissioners.

**BOARD  
DISCUSSION**

None.

**MOTION,  
Condition #1**

Lapp made a motion seconded by Larsen to amend condition #1 to read: *The private, internal subdivision roads will consist of a 60-foot right-of-way, minimum 20-foot paved driving surface, and 55-foot radius cul-de-sacs and be designed and certified by a licensed, professional engineer. [Section 3.9, Flathead County Subdivision Regulations]*

**BOARD  
DISCUSSION**

None.

**ROLL CALL  
Condition #1**

On a roll call vote the motion passed unanimously.

**BOARD  
DISCUSSION**

Lapp discussed the old growth forest and being able to remove dead trees.

Staff read suggestions to the Board.

**MOTION,  
Condition #18**

Robertson made a motion to amend condition #18 to read: *The applicant will demonstrate an attempt to place the open space into a land trust. In the event this does not happen, the 28-acres of old growth forest area shall be deeded into an irrevocable conservation easement granted in perpetuity to the homeowner's association. No healthy vegetation shall be removed from the area.* The motion failed for lack of a second.

**BOARD  
DISCUSSION**

Fleming explained why she couldn't support the previous motion.

Larsen asked Harris, Planning Director, what the best solution would be. He said it should be held in perpetuity by a land trust.

Board members talked about the subject property being separate tracts of land. Staff clarified the issue.

**MOTION,  
Condition #18**

Robertson made a motion seconded by Larsen to amend condition # 18 to read: *The applicant will demonstrate an attempt to place the open space into a land trust. In the event this does not happen, the 28-acres of old growth forest area shall be deeded into an irrevocable conservation easement granted in perpetuity to the homeowner's association. No vegetation shall be removed from the area.*

**BOARD  
DISCUSSION**

None.

**ROLL CALL  
Condition #18**

On a roll call vote the motion passed 6-1 with Fleming dissenting.

**MOTION,  
Condition #22**

Lapp made a motion seconded by Fleming to add condition #22, requiring the applicant to conduct a flood elevation study on the property.

**BOARD  
DISCUSSION**

None.

**ROLL CALL  
Condition #22**

On a roll call vote the motion passed unanimously.

**MOTION,  
Condition #23**

Robertson made a motion seconded by Fleming to add condition #23 to read: *No part of the 28-acre old growth forest area shall be disturbed at any time.*

**BOARD  
DISCUSSION**

DeKort asked if this limits the option to put a hiking trail through that area.

**ROLL CALL  
Condition #23**

On a roll call vote the motion passed 6-1 with Lapp dissenting.

**BOARD  
DISCUSSION**

Fleming discussed open space.

**MOTION,  
Condition #17**

Fleming made a motion seconded by Dziza to amend condition #17 to read: The parkland along the creek is a critical bank stabilization area. Removal of vegetation from the parkland is not allowed. Any alteration to the park will need to go through Flathead County Floodplain Permit Process and the Flathead County Conservation 310 Permit Process.

**BOARD  
DISCUSSION**

Robertson asked Fleming why she wanted to change "shall not be allowed" to "is not allowed."

Fleming liked the wording better.

**ROLL CALL**  
**Condition #17**

On a roll call vote the motion passed unanimously.

**BOARD**  
**DISCUSSION**

Lapp stated this is a well planned subdivision but said there are issues to consider.

DeKort doesn't think the development "fits" in the neighborhood. He talked about density, wildlife, and septic systems.

Dziza said the development is a well-planned community but is out of character with the area. He talked about Hwy. 206 access, density, groundwater, the aquifer, and the individual septic systems.

Larsen discussed the density concerns, although stated there could be something worse out there because the land is unzoned.

**MAIN MOTION #1**  
**ROLL CALL**

On a roll call vote the motion failed 6-1 with Larsen in support.

**BOARD**  
**DISCUSSION**

The Board discussed the reasons for denial so Staff could prepare a letter to the Commissioners.

**MAIN MOTION #2**

Fleming made a motion seconded by Robertson to adopt Staff Report FPP 05-59 as amended and recommended denial to the County Commissioners.

**BOARD**  
**DISCUSSION**

None.

**MAIN MOTION #2**  
**ROLL CALL**

On a roll call vote the motion passed 6-1 with Larsen dissenting.

**OLD BUSINESS**

None.

**NEW BUSINESS/  
PUBLIC  
COMMENT**

Lapp wanted to amend the rules of procedure and passed out a hand-out to Board members to be review and discussed at the next regular meeting.

Jeff Harris, passed out a memo from Gary Hall in regards to the Growth Policy. He discussed the Board's roles and responsibilities.

*(Both handouts are on record for review)*

Board members discussed the Long-Range Planning Task Force meetings.

**ADJOURNMENT**

The meeting was adjourned at approximately 11:30 p.m. on a motion by Robertson seconded by Lapp.

Next meeting: December 14, 2005 @ 6:00 P.M.

---

Don Hines, FCPB President

---

Jill Goodnough, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 1/11/05